UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,048	01/29/1999	JOHN PATRICK AINSWORTH	4062.54US01	6852

24113 7590 09/11/2008	EXAMINER	
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.	ORTIZ, BELIX M	
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80 SOUTH 8TH STREET	ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-2100	2164	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/240,048	AINSWORTH ET AL.
	Examiner	Art Unit	
	BELIX M. ORTIZ	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 July 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,4,5 and 23-87_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,4,5 and 23-87_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications files on March 31, 2008. Claims 1, 32, 36, 41, 53,

57, and 70-87 are amended by applicant's request. Therefore, claims 1, 4-5, and 23-87

are presently pending in the application.

Claim Objections

2. Claims 1, 32, 36, 41, 53, 57, and 70 are objected to as being incomplete for

omitting essential elements, such omission amounting to a gap between the elements.

See MPEP § 2172.01. The omitted element is: it is not clear that a computer is been use.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 4-5, 23-31, 62-65, and 32-35 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Claims 1 and 32 the phrase "may be" render the claim indefinite because it is

unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 1, 4-5, 23-87 are rejected under 35 U.S.C. 103(a) (Eff. Filing date of

application: 1/24/1999) as being unpatentable over Mukherjee (U.S. patent 6,314,415)

(Eff filing date of application: 11/4/1998) in view of Jenkins et al (U.S. patent 6,597,392)

(Eff. Filing date of cont application: 10/13/1998).

    As to claims 1, 41, and 70, Mukherjee teaches a method for dynamically

generating a user interface for an application program (see abstract), comprising:

    selecting and retrieving, in response to the request, at least one rule from a

plurality of rules (see col. 5, lines 35-40) stored in one or more databases (see col. 5, lines

1-5), wherein the rule determines, at least in part, whether the request may be fulfilled

based on one or more aspects of the user (see col. 11, lines 53-65 and col. 12, lines 3-12)

and further includes at least one variable parameter representing information pertaining

to a function of the user interface; determining a value of the variable parameter (see col.

12, lines 47-52 and col. 15, lines 49-53); and

    executing the dynamic rule to select and retrieve data from the one or more

databases based on the value (see col. 5, lines 35-45).

Mukherjee does not teach receiving a request to control at least one of a camera and a camera enabled device to obtain camera data therefrom; and generating the user interface based on the data and from the camera data.

Jenkins et al. teaches apparatus and method for computerized multi-media data organization and transmission (see abstract), in which he teaches receiving a request to control at least one of a camera and a camera enabled device to obtain camera data therefrom (see figure 1 and abstract); and generating the user interface based on the data and from the camera data (see abstract; fig. 3 and col. 5, lines 51-65).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mukherjee by the teaching of Jenkins et al., because receiving a request to control at least one of a camera and a camera enabled device to obtain camera data therefrom, would enable the method because, the camera is coupled to a monitor that displays the image of the patient.

As to claims 4, 5, 34, 35, 38, 39, 42, 43, 55, 56, 59, 60, Mukherjee as modified teaches the claimed invention of rules comprising SQL (structured query language) statements as described in (see Mukherjee, col. 5, lines 23-25).

As to claims 23-28, 30, 31, 44-49, 51, 52, Mukherjee as modified teaches variable parameter representing identifier as described in (Mukherjee, col. 15, lines 40-55), wherein uifield is a identifier. It is inherent that identifier can be group id, user id, node id or location id.

As to claims 29, 33, 50, 54, Mukherjee as modified teaches the claimed invention
of compound statement as described in (Mukherjee, col. 15, lines 30-35).

As to claims 32, Mukherjee teaches a method for dynamically generating a user
interface for an application program (see abstract), comprising:

selecting and retrieving at least one dynamic rule from a plurality of rules (see
col. 5, lines 35-40) stored in one or more databases (see col. 5, lines 1-5), wherein the
plurality of rules includes at least one rule wherein the rule determines, at least in part,
whether the user interface may be generated based at least in part on user identifying
information and further comprising one or more variable parameters (see col. 11, lines
53-65 and col. 12, lines 3-12), each variable parameter representing information
pertaining to a function of the user interface (see col. 15, lines 49-53); and

executing the dynamic rule to select and retrieve data from the one or more
databases based on the value(see col. 5, lines 35-45).

Mukherjee does not teach the function comprising access to a medical device
which provides medical information; and

generating the user interface based on the data and based on said medical
information.

Jenkins et al. teaches apparatus and method for computerized multi-media data
organization and transmission (see abstract), in which he teaches the function comprising
access to a medical device which provides medical information (see fig. 3 and col. 1,
lines 13-17); and

generating the user interface based on the data and based on said medical information (see fig. 3 and col. 1, lines 13-17).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mukherjee by the teaching of Jenkins et al., because the function comprising access to a medical device which provides medical information; and generating the user interface based on the data and based on said medical information, would enable the method because, The camera is coupled to a monitor that displays the image of the patient.

As to claims 36 and 57, Mukherjee teaches a method for defining a routine for generating a user interface (see abstract), comprising:

determining a user identity (see col. 11, lines 53-65);

examining a file with medical information therein to identify one or more data elements within the medical information (see col. 15, lines 40-55);

generating one or more rules for generating a data structure in a database based on the data elements (see col. 5, lines 35-40);

executing the one or more rules to create the data structure in the database (see col. 5, lines 35-45); and

storing the data elements in the data structure (see col. 5, lines 1-5);

storing the sequence presentation in the database (see col. 7, lines 2-4).

Mukherjee does not teach defining a presentation which is one of a plurality of different types of presentation for displaying the data elements, the type of presentation which is defined as being based on the user identity and the medical information.

Jenkins et al. teaches apparatus and method for computerized multi-media data

organization and transmission (see abstract), in which he teaches defining a presentation

which is one of a plurality of different types of presentation for displaying the data

elements, the type of presentation which is defined as being based on the user identity

and the medical information (see figure 3 and col. 1, lines 13-18).

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Mukherjee by the teaching of Jenkins et al.,

defining a presentation which is one of a plurality of different types of presentation for

displaying the data elements, the type of presentation which is defined as being based on

the user identity and the medical information, would enable the method because, make

the access and examination easier to the Doctors.

As to claims 37, 40, 58, 61, Mukherjee as modified teaches claimed invention of

displaying HTML components as described in (Mukherjee, col. 6, lines 55-col 7, lines

5).

As to claim 53, Mukherjee teaches a system for dynamically generating a user

interface for an application program (abstract), the system comprising:

one or more databases for storing a plurality of rules, the plurality of rules

including at least one rule comprising one or more variable parameters, each variable

parameter representing information pertaining to the functionality of the user interface

(see cool. 5, lines 1-5; col. 11, lines 53-65; and col. 12, lines 3-12);

one or more databases for storing a second plurality of rules, the second plurality

of rules including at least one rule comprising one or more variable parameters, at least

one of the variable parameters representing information pertaining to the identity of the

user, the second plurality of rules governing, at least in part (see col. 11, lines 53-65; and

col. 12, lines 3-12); And

a server for selecting and retrieving at least one rule from a-the first and second

plurality of rules, for executing the rule rules to select and retrieve data from the one or

more databases, and for generating the user interface based on the data and on said

medical information (see col. 3, lines 37-49; col. 11, lines 53-65; and col. 12, lines 3-12).

Mukherjee does not teach the function comprising access to a medical device

which provides medical information; and

access to the medical information based on the information pertaining to the

identity of the user.

Jenkins et al. teaches apparatus and method for computerized multi-media data

organization and transmission (see abstract), in which he teaches the function comprising

access to a medical device which provides medical information (see fig. 3 and col. 1,

lines 13-17); and

access to the medical information based on the information pertaining to the

identity of the user (see fig. 3 and col. 1, lines 13-17) and see Mukherjee for the identity

of the user (see col. 11, lines 53-65)

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Mukherjee by the teaching of Jenkins et al.,

because the function comprising access to a medical device which provides medical

information; and access to the medical information based on the information pertaining to

the identity of the user, would enable the method because, the camera is coupled to a

monitor that displays the image of the patient.

As to claims 62 and 66, Mukherjee as modified teaches wherein the control

comprises capturing an image (see Jenkins et al., figures 1 and 3).

As to claims 63 and 67, Mukherjee as modified teaches wherein the control

comprises capturing video image (see Jenkins et al., figure 3).

As to claims 64 and 68, Mukherjee as modified teaches wherein the control is

remote (see Jenkins et al., figure 3).

As to claims 65 and 69, Mukherjee as modified teaches wherein the user interface

enables the control of the at least one of the camera and the camera enabled device if

access right allow the control (see Jenkins et al., figures 1 and 3).

As to claims 71 and 79, Mukherjee as modified teaches wherein the user interface

includes a presentation that is one of a plurality of different forms (see Jenkins et al., fig.

3 and col. 5, lines 31-34).

As to claim 72, Mukherjee as modified teaches a method further comprising

receiving medical data to be displayed as part of said user interface, and wherein said medical data is used to select which of said different forms are used to make said user interface (see Jenkins et al., fig. 3 and col. 5, lines 45-65).

As to claim 73, Mukherjee as modified teaches wherein said medical data includes a diagnosis, and said diagnosis is used to select said different form (see Jenkins et al., col. 1, lines 13-18).

As to claim 74, Mukherjee as modified teaches wherein said user interface is presented in one of a plurality of different forms, said plurality of different forms defined by said data(see Jenkins et al., col. 5, lines 27-35).

As to claim 75, Mukherjee as modified teaches a method further comprising using said medical information to select one of said different rules which selects one of said different forms (see Jenkins et al., col. 9, lines 40-48).

As to claim 76, Mukherjee as modified teaches wherein said medical information includes a medical diagnosis, and said medical diagnoses selects said one of said different rules (see Jenkins et al., fig. 2-3 and col. 1, lines 13-18).

As to claim 77, Mukherjee as modified teaches wherein said presentation includes a medical image, and at least one field to receive input associated with the medical image, which is presented to a receiver (see Jenkins et al., fig. 3)

As to claim 78, <u>Mukherjee</u> as modified teaches wherein said medical information includes a diagnosis, and said type of presentation is based on said diagnosis (see <u>Jenkins et al</u>., fig. 3 and col. 1, lines 13-18).

As to claim 80, <u>Mukherjee</u> as modified teaches a system further comprising, on said server, a request to receive medical information (see <u>Jenkins et al</u>., fig. 1).

As to claim 81, <u>Mukherjee</u> as modified teaches a system further comprising medical information stored on said server, and said medical information is used to set said variable parameter which defines which presentation is used (see <u>Jenkins et al</u>., abstract and col. 3, lines 56-67).

As to claim 82, <u>Mukherjee</u> as modified teaches wherein said server includes medical information thereon, including a medical diagnosis, and said medical diagnosis is used to select said variable parameter to produce a presentation form on the user interface (see <u>Jenkins et al</u>., col. 3, lines 56-67).

As to claim 83, <u>Mukherjee</u> as modified teaches wherein said server uses said medical information to select said rule (see <u>Jenkins et al</u>., fig. 1, abstract, and col. 5, lines 31-45).

As to claim 84, <u>Mukherjee</u> as modified teaches wherein said rule defines one of a plurality of different presentation forms (see <u>Jenkins et al</u>., fig. 3 and col. 5, lines 31-34).

As to claim 85, <u>Mukherjee</u> as modified teaches wherein said medical information that is used to select said rule comprises a medical diagnosis (see <u>Jenkins et al</u>., col. 1, lines 13-18).

As to claim 86, <u>Mukherjee</u> as modified teaches wherein said sequence presentation comprises at least one medical image, and information associated with said at least one medical image (see <u>Jenkins et al</u>., fig. 3).

As to claim 87, <u>Mukherjee</u> as modified teaches wherein said medical information that is used to generate said one or more rules comprises a medical diagnosis (see <u>Jenkins et al</u>., col. 1, lines 13-18 and col. 3, lines 56-67).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on moday-friday 9am-5pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bmo

September 8, 2008

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164